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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,195	08/01/2001	Craig M. Janik	5532.P013	6095
34018	7590	06/02/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			MILORD, MARCEAU	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,195

Applicant(s)

JANIK, CRAIG M.

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 86-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 and 86-107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 86 and 96 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16, and 17-32 of U.S. Patent No. 6518724 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the features of a wireless transceiver base adapted to communicate with the device via a wireless data transfer protocol to enable communication between the circuitry and network is not non-obvious over the claims of 6518724 B2 (see specifically claims 2 and 6 that depend on

claim 1; and claims 18 and 22 that depend on claim 17) and therefore is not patentably distinct from each other.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-57, 86-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blight et al (US Patent No 6785542 B1) in view of Blonder (US Patent No 5539821).

Regarding claims 1-2, 7-12, Blight et al discloses a system (figs. 1 and 6) comprising: at least one device and communicating with a network (col. 5, line 49- col. 6, line 20; col. 6, lines 52-58); and a wireless transceiver base adapted to communicate with the device via a wireless data transfer protocol to enable communication between the circuitry of the device and network (col. 7, lines 35-46; col. 8, line 45- col. 9, line 47; col. 12, lines 15-65).

However, Blight et al does not specifically disclose the feature of a wall switch device sized and arranged to be fastened directly to a wall switch junction box and including circuitry for communicating with a network.

On the other hand, Blonder, from the same field of endeavor, discloses an apparatus mounts a telephone, particularly the handset of a portable telephone, to a wall A.C. power outlet and supplies power from the power outlet to the telephone. The apparatus comprises a chassis, at least one A.C. power plug carried by the chassis for electrically connecting to, and mounting the chassis on, the A.C. power outlet, at least one A.C. power socket connected to the A.C. power plug and carried on the chassis so as not to deprive a user of the use of the power outlet, a cradle carried by the chassis for the telephone handset of a portable phone, and a power converter carried by the chassis for obtaining A.C. power from the A.C. power outlet through the A.C. power plug, converting the obtained power into D.C. power, and supplying the D.C. power to the telephone handset through the cradle (col. 1, lines 31-55). Furthermore, Blonder shows in figure 2, a chassis that is equipped with a D.C electrical socket which is adapted to mate with a D.C electrical plug carried by a cradle (figs. 1-2; col. 2, lines 18-56). In addition, a second F.M. transceiver interconnects the A.C. wiring with a telephone link so as to provide the requisite connection with the telephone system (col. 3, lines 3-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Blonder to the communication system of Blight in order to provide a communication connection to a telephone line through an A.C power outlet.

Regarding claim 3, Blight et al as modified discloses a system (figs. 1 and 6), wherein the network includes Internet (col. 7, lines 36-46; col. 8, lines 60-67).

Regarding claim 4, Blight et al as modified discloses a system (figs. 1 and 6): comprising a server that communicates with the switch device using the wireless transceiver base (col. 7, lines 36-46; col. 8, lines 41-62).

Regarding claim 5, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a gateway that is connected to the server and allows communication between the wall switch device and the server using the wireless transceiver base (col. 15, line 27-54; col. 16, lines 5-32).

Regarding claim 6, Blight et al as modified discloses a system (figs. 1 and 6), wherein the wireless data transfer protocol is IEEE 802.11b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Regarding claim 13, Blight et al as modified discloses a system (figs. 1 and 6), wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claims 14-15, 17, 22-27, Blight et al discloses a system (figs. 1 and 6) comprising: at least one device and communicating with a network (col. 5, line 49- col. 6, line 20; col. 6, lines 52-58); and the device including a data transceiver to receive and transfer data via the power wires to the network (col. 7, lines 35-46; col. 8, line 45- col. 9, line 47; col. 12, lines 15-65).

However, Blight et al does not specifically disclose the feature of a power input coupled to the wall switch device, the power input connected to power wires, the power wires enabling communication between the wall switch device and the network; the wall switch device sized

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and arranged to be fastened directly to a wall junction box, wherein the network includes other wall switch devices.

On the other hand, Blonder, from the same field of endeavor, discloses an apparatus mounts a telephone, particularly the handset of a portable telephone, to a wall A.C. power outlet and supplies power from the power outlet to the telephone. The apparatus comprises a chassis, at least one A.C. power plug carried by the chassis for electrically connecting to, and mounting the chassis on, the A.C. power outlet, at least one A.C. power socket connected to the A.C. power plug and carried on the chassis so as not to deprive a user of the use of the power outlet, a cradle carried by the chassis for the telephone handset of a portable phone, and a power converter carried by the chassis for obtaining A.C. power from the A.C. power outlet through the A.C. power plug, converting the obtained power into D.C. power, and supplying the D.C. power to the telephone handset through the cradle (col. 1, lines 31-55). Furthermore, Blonder shows in figure 2, a chassis that is equipped with a D.C electrical socket which is adapted to mate with a D.C electrical plug carried by a cradle (figs. 1-2; col. 2, lines 18-56). In addition, a second F.M. transceiver interconnects the A.C. wiring with a telephone link so as to provide the requisite connection with the telephone system (col. 3, lines 3-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Blonder to the communication system of Blight in order to provide a communication connection to a telephone line through an A.C power outlet.

Regarding claim 16, Blight et al as modified discloses a system (figs. 1 and 6), wherein the network includes Internet (col. 7, lines 36-46; col. 8, lines 60-67).

Regarding claim 18, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a server that communicates with the wall switch device using the wireless transceiver base (col. 7, lines 36-46; col. 8, lines 41-62).

Regarding claim 19, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a gateway that is connected to the server and allows communication between the wall switch device and the server using the wireless transceiver base (col. 15, line 27-54; col. 16, lines 5-32).

Regarding claim 20, Blight et al as modified discloses a system (figs. 1 and 6), wherein the wireless data transfer protocol is IEEE 802.11b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Regarding claim 21, Blight et al as modified discloses a system (figs. 1 and 6), wherein the wireless data transfer protocol is Bluetooth (col. 13, lines 10-65; col. 14, lines 9-67).

Regarding claim 28, Blight et al as modified discloses a system (figs. 1 and 6), wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claims 29-30, 36-41, Blight et al discloses a system (figs. 1 and 6) comprising: at least one device and communicating with a network (col. 5, line 49- col. 6, line 20; col. 6, lines 52-58); and a wireless transceiver base adapted to communicate with the power outlet via a wireless data transfer protocol (col. 7, lines 35-46; col. 8, line 45- col. 9, line 47; col. 12, lines 15-65).

However, Blight et al does not specifically disclose the feature of a power outlet device sized and arranged to be fastened to a power outlet junction box and including circuitry for communicating with a network, and the network also includes plural power outlet devices.

On the other hand, Blonder, from the same field of endeavor, discloses an apparatus mounts a telephone, particularly the handset of a portable telephone, to a wall A.C. power outlet and supplies power from the power outlet to the telephone. The apparatus comprises a chassis, at least one A.C. power plug carried by the chassis for electrically connecting to, and mounting the chassis on, the A.C. power outlet, at least one A.C. power socket connected to the A.C. power plug and carried on the chassis so as not to deprive a user of the use of the power outlet, a cradle carried by the chassis for the telephone handset of a portable phone, and a power converter carried by the chassis for obtaining A.C. power from the A.C. power outlet through the A.C. power plug, converting the obtained power into D.C. power, and supplying the D.C. power to the telephone handset through the cradle (col. 1, lines 31-55). Furthermore, Blonder shows in figure 2, a chassis that is equipped with a D.C electrical socket which is adapted to mate with a D.C electrical plug carried by a cradle (figs. 1-2; col. 2, lines 18-56). In addition, a second F.M. transceiver interconnects the A.C. wiring with a telephone link so as to provide the requisite connection with the telephone system (col. 3, lines 3-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Blonder to the communication system of Blight in order to provide a communication connection to a telephone line through an A.C power outlet.

Regarding claim 31, Blight et al as modified discloses a system (figs. 1 and 6), wherein the network includes Internet (col. 7, lines 36-46; col. 8, lines 60-67).

Regarding claim 32, Blight et al as modified discloses a system further comprising a server that communicates with the power outlet device using the wireless transceiver base (col. 7, lines 36-46; col. 8, lines 41-62).

Regarding claim 33, Blight et al as modified discloses a system further comprising a gateway that is connected to the server and allows communication between the power outlet device and the server using the wireless transceiver base (col. 15, line 27-54; col. 16, lines 5-32).

Regarding claim 34, Blight et al as modified discloses a system, wherein the wireless data transfer protocol is IEEE 802.11b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Regarding claim 35, Blight et al as modified discloses a system, wherein the wireless data transfer protocol is BluetoothTH (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claim 42, Blight et al as modified discloses a system, wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claims 43-44, 51-56, 86, 96, Blight et al discloses a system (figs. 1 and 6) comprising: at least one device and communicating with a network (col. 5, line 49- col. 6, line 20; col. 6, lines 52-58); each device including a data transceiver to receive and transfer data via the power wires to the network (col. 7, lines 35-46; col. 8, line 45- col. 9, line 47; col. 12, lines 15-65).

However, Blight et al does not specifically disclose the feature of power outlet device fastened over a power outlet module and communicating with a network; a power input coupled

to the power outlet device, the power input connected to power wires, the power wires enabling communication between the power outlet device and the network; wherein the network includes other power outlet devices.

On the other hand, Blonder, from the same field of endeavor, discloses an apparatus mounts a telephone, particularly the handset of a portable telephone, to a wall A.C. power outlet and supplies power from the power outlet to the telephone. The apparatus comprises a chassis, at least one A.C. power plug carried by the chassis for electrically connecting to, and mounting the chassis on, the A.C. power outlet, at least one A.C. power socket connected to the A.C. power plug and carried on the chassis so as not to deprive a user of the use of the power outlet, a cradle carried by the chassis for the telephone handset of a portable phone, and a power converter carried by the chassis for obtaining A.C. power from the A.C. power outlet through the A.C. power plug, converting the obtained power into D.C. power, and supplying the D.C. power to the telephone handset through the cradle (col. 1, lines 31-55). Furthermore, Blonder shows in figure 2, a chassis that is equipped with a D.C electrical socket which is adapted to mate with a D.C electrical plug carried by a cradle (figs. 1-2; col. 2, lines 18-56). In addition, a second F.M. transceiver interconnects the A.C. wiring with a telephone link so as to provide the requisite connection with the telephone system (col. 3, lines 3-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Blonder to the communication system of Blight in order to provide a communication connection to a telephone line through an A.C power outlet.

Regarding claim 45, Blight et al as modified discloses a system (figs. 1 and 6), wherein the network includes Internet (col. 7, lines 36-46; col. 8, lines 60-67).

Regarding claim 46, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a wireless transceiver base to enable communication between the power outlet device and the network via a wireless data transfer protocol col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claim 47, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a server that communicates with the power outlet device using the wireless transceiver base (col. 7, lines 36-46; col. 8, lines 41-62).

Regarding claim 48, Blight et al as modified discloses a system (figs. 1 and 6): further comprising a gateway that is connected to the server and allows communication between the power outlet device and the server using the wireless transceiver base (col. 15, line 27-54; col. 16, lines 5-32).

Regarding claim 49, Blight et al as modified discloses a system (figs. 1 and 6), wherein the wireless data transfer protocol is IEEE 802. 1 1b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Regarding claim 50, Blight et al as modified discloses a system (figs. 1 and 6), wherein the wireless data transfer protocol is BluetoothTH (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claim 57, Blight et al as modified discloses a system (figs. 1 and 6), wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claim 97, Blight et al as modified discloses a method (figs. 1 and 6), wherein the network is Internet (col. 7, lines 36-46; col. 8, lines 60-67).

Regarding claim 88, Blight et al as modified discloses a method (figs. 1 and 6), wherein the wireless data transfer protocol is IEEE 802.11b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Claims 89-94 are similar in scope to claims 14, 29, 39, 43, and therefore are rejected under a similar rationale.

Regarding claim 95, Blight et al as modified discloses a method (figs. 1 and 6), wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Claims 100-105, 107 are similar in scope to claims 14, 29, 39, 43, and therefore are rejected under a similar rationale.

Claim 87 contains similar limitations addressed in claim 15, and therefore is rejected under a similar rationale.

Regarding claims 98, Blight et al as modified discloses a method (figs. 1 and 6), wherein the wireless data transfer protocol is IEEE 802.11b wireless communication standard (col. 13, lines 11-41; col. 8, lines 45-62).

Regarding claim 99, Blight et al as modified discloses a method (figs. 1 and 6), wherein the wireless data transfer protocol is BluetoothTH (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

Regarding claims 106 and 95, Blight et al as modified discloses a method (figs. 1 and 6), wherein the portable electronic device is a personal digital assistant (col. 5, line 49- col. 6, line 3; col. 7, lines 36-46; col. 8, lines 45-62).

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Response to Arguments

5. Applicant's arguments with respect to claims 1-57, 86-107 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord

Primary Examiner

Art Unit 2682


MARCEAU MILORD
PRIMARY EXAMINER

5-27-05